UNITED STATES DISTRICT COURT

Southern District of Florida

UNITED STATES OF AMERICA
V.
MARC M. HARRIS

AMENDED JUDGMENT IN A CRIMINAL CASE

Case Number: 0:03CR20347-COHN
USM Number: 69874-004
Joseph Beeler, Esq.
Defendant's Attorney
Gregory E. Tortella, Special Attorney
Government's Attorney

Date of Original Judgment: 8/17/2016
(Or Date of Last Amended Judgment)

Reason for Amendment:

- ☐ Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
- ☐ Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
- ☐ Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))
- ☑ Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)
- ☐ Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))
- ☐ Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
- ☐ Direct Motion to District Court Pursuant ☐ 28 U.S.C. § 2255 or ☐ 18 U.S.C. § 3559(c)(7)
- ☐ Modification of Restitution Order (18 U.S.C. § 3664)

THE DEFENDANT:

- ☐ pleaded guilty to count(s) ____
- ☐ pleaded nolo contendere to count(s) ____ which was accepted by the court.
- ☑ was found guilty on count(s) 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 of the Superseding Indictment after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. 371	Conspiring to impede and impair the Internal Revenue	10/16/2001	1

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☑ The defendant has been found not guilty on count(s) 4, 5, 6, 7, 8 and 9 of the Superseding Indictment

☐ Count(s) ____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

10/25/2016
Date of Imposition of Judgment

Signature of Judge

JAMES I. COHN, DISTRICT JUDGE
Name and Title of Judge

10/25/2016
Date

DEFENDANT: MARC M. HARRIS
CASE NUMBER: 0:03CR20347-COHN

ADDITIONAL COUNTS OF CONVICTION

Title & Section	Nature of Offense	Offense Ended	Count
	Service with respect to Federal income taxes and		
	Federal excise taxes		
26 U.S.C. 7201 and	Tax evasion	5/31/1993	2
18 U.S.C. 2			
26 U.S.C. 7201 and	Tax evasion	8/31/1993	3
18 U.S.C. 2			
18 U.S.C. 1956(h)	Money laundering conspiracy	5/29/1998	10
18 U.S.C. 1956(a)(I)(B)	Money laundering (concealment)	5/7/1998	11
(i) and 2			
18 U.S.C. 1956(a)(I)(B)	Money laundering (concealment)	5/7/1998	12
(i) and 2			
18 U.S.C. 1956(a)(I)(B)	Money laundering (concealment)	5/8/1998	13
(i) and 2			
18 U.S.C. 1956(a)(1)(B)	Money laundering (concealment)	5/8/1998	14
(i) and 2			

DEFENDANT: MARC M. HARRIS
CASE NUMBER: 0:03CR20347-COHN

ADDITIONAL COUNTS OF CONVICTION

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. 1956(a)(I)(B) (i) and 2	Money laundering (concealment)	5/29/1998	15
18 U.S.C. 1956(a)(I)(B) (i) and 2	Money laundering (concealment)	5/29/1998	16
18 U.S.C. 1957 and 2	Money laundering	5/7/1998	17
18 U.S.C. 1957 and 2	Money laundering	5/7/1998	18
18 U.S.C. 1957 and 2	Money laundering	5/8/1998	19
18 U.S.C. 1957 and 2	Money laundering	5/8/1998	20
18 U.S.C. 1957 and 2	Money laundering	5/29/1998	21
18 U.S.C. 1957 and 2	Money laundering	5/29/1998	22

DEFENDANT: MARC M. HARRIS
CASE NUMBER: 0:03CR20347-COHN

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of :

60 MONTHS AS TO COUNTS 1, 2, 3 204 MONTHS AS TO COUNTS 10, 11, 12, 13, 14, 15, 16
120 MONTHS AS TO COUNTS 17, 18, 19, 20, 21, 22
TOTAL SENTENCE OF 204 MONTHS IS HEREBY REDUCED TO TIME SERVED AS OF 8/12/2016

☐ The court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at ______________ ☐ a.m. ☐ p.m. on ______________ .

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on ______________ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on ______________ to ______________

at ______________ with a certified copy of this judgment.

____
UNITED STATES MARSHAL

By ______________
DEPUTY UNITED STATES MARSHAL

DEFENDANT: MARC M. HARRIS
CASE NUMBER: 0:03CR20347-COHN

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

3 YEARS AS TO COUNTS 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 TO RUN CONCURRENTLY WITH EACH OTHER.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

☑ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)

☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)

☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C . § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. (Check, if applicable.)

☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4) the defendant shall support his or her dependents and meet other family responsibilities;
5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record, personal history, or characteristics and shall permit the probation officer to make such notifications and confirm the defendant's compliance with such notification requirement.

DEFENDANT: MARC M. HARRIS
CASE NUMBER: 0:03CR20347-COHN

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall also comply with the following additional conditions of supervised release:

The defendant shall reside in the District of Connecticut and shall not change his address unless he has permission from the Court or U.S. Probation Officer to move. The defendant may travel within the following judicial districts without requiring permission of the Court or the U.S. Probation Officer, Southern District of Florida, District of Connecticut, Southern District of New York, Eastern District of New York, District of Rhode Island, and District of Massachusetts.

The defendant shall not leave the confine of these districts without the permission of the Court or U.S. Probation Officer.

Employment Requirement - After the first six months of supervision, the defendant shall maintain full-time, legitimate employment and not be unemployed for a term of more than 30 days unless excused by the Court or the U.S. Probation Officer. Further, the defendant shall provide documentation including, but not limited to pay stubs, contractual agreements, W-2 Wage and Earnings Statements, and other documentation requested by the U.S. Probation Officer.

Employment Solicitation Restriction - The defendant shall not be engaged in any business that offers securities, or investments, to the public without the permission of the U.S. Probation Officer or the Court. The defendant is further prohibited from engaging in telemarketing, direct mail, or national advertising campaigns for business purposes without the permission of the U.S. Probation Officer or the Court.

Financial Disclosure Requirement - The defendant shall provide complete access to financial information, including disclosure of all business and personal finances, to the U.S. Probation Officer.

Business Restriction- The defendant shall not own, operate, act as a consultant, be employed in, or participate in any manner, in any related concern during the period of supervision without the permission of the U.S. Probation Officer or the Court.

Permissible Search - The defendant shall submit to a search of his person or property conducted in a reasonable manner and at a reasonable time by the U.S. Probation Officer.

Self-Employment Restriction - The defendant shall obtain prior approval from the U.S. Probation Officer or the Court before entering into any self-employment.

Restitution with Imprisonment -
It is further ordered that the defendant shall pay restitution in the amount of $ 6,588,949.50. A portion of this restitution amount is owed joint and several restitution with the Aurelio and Joseph Vigna and V & V Medley (Docket number 98-956-CR-HURLEY SD/FL) in the amount of $5,929,082.50. During the period of incarceration, payment shall be made as follows: (1) if the defendant earns wages in a Federal Prison Industries (UNICOR) job, then the defendant must pay 50% of wages earned toward the financial obligations imposed by this Judgment in a Criminal Case; (2) if the defendant does not work in a UNICOR job, then the defendant must pay a minimum of $25.00 per quarter toward the financial obligations imposed in this order. Upon release of incarceration, the defendant shall pay restitution at the rate of 10% of monthly gross earnings, until such time as the court may alter that payment schedule in the interests of justice.
The U.S. Bureau of Prisons, U.S. Probation Office and U.S. Attorney's Office shall monitor the payment of restitution and report to the court any material change in the defendant's ability to pay. These payments do not preclude the government from using any other anticipated or unexpected financial gains, assets or income of the defendant to satisfy the restitution obligations. The restitution shall be made payable to Clerk, United States Courts, and forwarded to:

U.S. CLERK'S OFFICE
ATTN: FINANCIAL SECTION
400 N MIAMI AVENUE, RM#8N09
MIAMI, FLORIDA 33128

*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO 245C (Rev. 02/16) Amended Judgment in a Criminal Case
Sheet 5 — Criminal Monetary Penalties

(NOTE: Identify Changes with Asterisks (*))

DEFENDANT: MARC M. HARRIS
CASE NUMBER: 0:03CR20347-COHN

CRIMINAL MONETARY PENALTIES

The defendant must pay the following total criminal monetary penalties under the schedule of payments on Sheet 6.

	Assessment	Fine	Restitution
TOTALS	$ 1,500.00	$ 20,324,560.00	$ 6,588,949.50

☐ The determination of restitution is deferred until ___________. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage
TOTALS	$ 0.00	$ 0.00	

☐ Restitution amount ordered pursuant to plea agreement $ ___________

☐ The defendant must pay interest on restitution and a fine of more than $2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

☐ the interest requirement is waived for ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: MARC M. HARRIS
CASE NUMBER: 0:03CR20347-COHN

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

A ☑ Lump sum payment of $ 1,500.00 due immediately, balance due

☐ not later than ____________, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or

B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or

C ☐ Payment in equal ________ (e.g., weekly, monthly, quarterly) installments of $ ________ over a period of ________ (e.g., months or years), to commence ________ (e.g., 30 or 60 days) after the date of this judgment; or

D ☐ Payment in equal ________ (e.g., weekly, monthly, quarterly) installments of $ ________ over a period of ________ (e.g., months or years), to commence ________ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E ☐ Payment during the term of supervised release will commence within ________ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F ☑ Special instructions regarding the payment of criminal monetary penalties:

$100.00 Special Assessment as to Count 1 and Counts 10 thru 22, $50.00 as to Counts 2 and 3, Total is $1500.00
The United States District Court for the Southern District of Florida retains jurisdiction over the case to oversee payment of the fine and restitution, to grant relief from standard and special conditions of supervised release or otherwise modify them pursuant to 18 USC 3583(e) and, in its discretion, to grant further reduction of the sentence if warranted in the interest of justice.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☑ Joint and Several

Defendant and Co-Defendant Names and Case Numbers *(including defendant number)*, Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

A portion of this restitution amount is owed joint and several restitution with the Aurelio and Joseph Vigna and V & V Medley (Docket #98-956-CR-HURLEY SD/FL) in the amount of $5,929,082.50.

Upon release of incarceration, the defendant shall pay restitution at the rate of 10% of monthly gross earnings, until such time as the court may alter that payment schedule in the interests of justice.

Upon release of incarceration and payment of restitution principal and interest, the defendant shall pay the fine at the rate of 10% of monthly gross earnings, until such time as the court may alter that payment schedule in the interests of justice.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.